Supreme Court, U.S.
FILED
JUN 2 1986
JOSEPH F. SPANIOL, JR.
CLERK

NO. 85-1644

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1985

ROY P. BRIEHLER,

Appellant.

v.

POSEIDON VENTURE, INC., a Rhode Island corporation, WILLIAM BURGIN, SYLVIA'S, INC., a Rhode Island corporation, and JERRY L. McINTYRE,

Appellees.

ON APPEAL FROM THE
SUPREME COURT OF RHODE ISLAND

APPELLANT'S BRIEF IN OPPOSITION TO MOTION TO AFFIRM

Roy P. Briehler,
Appellant - ProSe
1740 North Olden Avenue
Trenton, New Jersey 08638

5 pp

The question of whether State of Rhode Island Execution Statutes violate the Due Process Clause of the Fifth and Fourteenth Amendments to the Constitution of the United States - as they permit confiscation of property with no actual notice to the judgment debtor and as they permit arbitrary confiscation of property belonging to third parties against whom no process has issued and with no notice to the third party property owners - is indeed a substantial question of general importance.

The question of whether the Rhode Island Supreme Court's affirmation that blatant violations of Rhode Island's Execution statutes constitute "no violations of law" violates the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States is also a substantial question.

The evidence is clear that Appellees confiscated, and have kept, property belonging to third parties. The evidence is clear that they violated UCC Laws seizing property on which there was, and is, a mortgage and recorded UCC lien and have refused to either return the collateral or to pay the mortgage. The evidence is clear that no public auction took place. The evidence is clear that no prior notice was given either to the judgment debtor or the the third parties whose property was confiscated.

The evidence is clear that the majority of Rhode Island's Execution statutes were violated in the seizure of "The Narrows" and the property aboard.

"The Narrows" is a vessel of the United States documented with the U.S. Coast Guard. The evidence is clear that the seizure of "The Narrows" is in

direct conflict with Coast Guard rules and procedures. The evidence is clear that all papers which issued regarding the Constable "Sales" used the name of a distinct and separate vessel. None of the said papers identified the vessel by her name or by her Coast Guard identifying number.

Only the U.S. Coast Guard, the U.S. Marshall's Office, and the U.S. Courts have any jurisdiction over a vessel of the United States. A Newport County Constable who has failed to follow Coast Guard Rules and procedures and has failed to properly identify the vessel has no authority to transfer title of a U.S. Coast Guard documented vessel.

Probable jurisdiction should be noted.

Respectfully submitted,

Roy P. Briehler
Appellant- Rose

STATEMENTS OF CONTINUATION, PARTIAL RELEASE, ASSIGNMENT, ETC — FORM UCC-3

INSTRUCTIONS

1. PLEASE TYPE this form. Use Gold only where perforations for audit.
2. Secured Party and Debtor signing and send other 3 copies with instrument when given to the filing officer.
3. Debtor filing his — [illegible]
4. If the space provided for any item(s) on this form is inadequate, the item(s) should be continued on additional sheets, preferably 8½" x 8½" or 8½" x 14". Only one side of such additional sheets need be used.
5. At the time of filing, filing officer will return third copy to the acknowledgment.

This STATEMENT is presented to THE SECRETARY OF STATE for filing pursuant to the Uniform Commercial Code

3 Assignee's debtor (if any)

1 Debtor(s) (Last Name First) and address(es)	2 Secured Party(ies) and address(es)	For Filing Officer (Date, Time, Number and Filing Office)
Roy Briehler's of N.J., Inc. 1740 N. Olden Ave. Trenton, N.J. 08638	Norton Shipyard & Marina, Inc. P.O. Box 106 East Greenwich, R.I. 02818	

This statement refers to original Financing Statement No. 391093 Dated June 12 1980

A. Continuation ☐	B. Partial Release ☐	C. Assignment ☒	D. Other:
The original financing statement between the foregoing Debtor and Secured Party, bearing the file number shown above, is still effective.	From the collateral described in the financing statement bearing the file number shown above the Secured Party releases the following:	The Secured Party certifies that the Secured Party has assigned to the Assignee whose name and address is shown below all Secured Party's rights under the financing statement bearing the file number shown above in the following property: Ferry Boat "THE ALBROOK"	

E. Termination ☐

Secured Party no longer claims a security interest under the financing statement bearing the file number shown above

Katherine A. Worthington
1740 N. Olden Ave.
Trenton, N.J. 08638

Dated December 10 1982

NORTON SHIPYARD & MARINA, INC.
By Patricia N. Pratt
(Signature of Secured Party)
Patricia N. Pratt, Secretary

(1) Filing Officer Copy – Alphabetical Standard Form – Uniform Commercial Code – Form UCC-3

A-34